

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

|                             |   |                         |
|-----------------------------|---|-------------------------|
| STATE OF NEW MEXICO on the  | ) |                         |
| relation of State Engineer, | ) |                         |
|                             | ) |                         |
| Plaintiff,                  | ) |                         |
|                             | ) | 69cv07941-BB-ACE        |
| -v-                         | ) |                         |
|                             | ) | RIO CHAMA STREAM SYSTEM |
| RAMON ARAGON et al.,        | ) |                         |
|                             | ) | Sections 3, 4, 5, & 7   |
| Defendants.                 | ) |                         |
| _____                       | ) |                         |

ORDER ADOPTING PRIORITIES ADJUDICATION SCHEDULE

THIS MATTER is before the Special Master. Pursuant to the June 15, 2004 Order (Docket No. 7472), as amended, counsel for the State of New Mexico, ex rel. State Engineer (State), and the Asociación de Acéquias Norteñas de Rio Arriba, the Gallina-Capulin Acequia Association, and the El Rito Ditch Association (the Acequias) filed a Joint Status Report August 2, 2004 (No. 7469) and submitted a proposed scheduling order with reasonable deadlines for completing all matters relating to the adjudication of priorities in Sections 3, 4, 5 and 7. The Special Master has considered the joint status report, the proposed order, and statements of counsel at the August 24, 2004, status and scheduling conference, and finds the proposed schedules reasonable.

IT IS ORDERED, THEREFORE,

A. That the schedule for the completion and exchange of reports on water uses in Sections 3, 4, and 7 shall be as follows:

1. December 31, 2004 - Completion and exchange of the State's historical reports for the remaining subsections of Section 7 (Rio Brazos, Rutheron/Plaza Blanca, Cañones Creek and Village of Chama);

2. November 1, 2004 - Completion and exchange of the Acequias' historical report for water uses in the Canjilon Creek subsection of Section 3;

3. July 1, 2005 - Completion and exchange of the Acequias' historical report for water uses in the Las Nutrias subsection of Section 3;

4. January 31, 2006 - Completion and exchange of the Acequias' historical report for water uses in the Rio Cebolla subsection of Section 3;

5. November 30, 2006 - Completion and exchange of the Acequias' historical report for water uses in all subsections of Section 7;

6. September 30, 2007 - Completion and exchange of the Acequias' historical report for water uses in Section 4.

B. That the Asociación de Acéquias Norteñas de Rio Arriba shall file a motion, brief and documentation regarding the applicability of the Treaty of Guadalupe Hidalgo to water rights in Sections 3 and 7 no later than June 1, 2006. The briefing schedule for responsive pleadings shall be set at that time; and

C. That the State and the Gallina/Capulin Acequia Association shall report on settlement discussions and possible agreements on priority dates for all ditches in Section 5 at the next status conference, which will be held this fall. If by that time, the State and Acequia Association have not come to an agreement, the State shall submit a proposed litigation schedule to resolve those matters by July 1, 2006.

IT IS SO ORDERED.

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SPECIAL MASTER VICKIE L. GABIN